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Assistant Commissioner for Patents
Washington, D.C. 20231

On

11/14/98

TOWNSEND and TOWNSEND and CREW LLP

By:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mitsuhara et al.
Application No.: 08/805,813
Filed: February 26, 1997
For: PATHOGEN-RESISTANT
PLANTS AND METHOD FOR
PRODUCTION THEREOF

Examiner: Nelson, A.

**AMENDMENT UNDER 37 CFR 1.116
EXPEDITED PROCEDURE EXAMINING
GROUP 1649**

12/16/98
50698
11-24-98

Box AF

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Final Office Action mailed August 10, 1998, please amend this application as follows:

IN THE CLAIMS:

- Sub D'7
B'
1. (Twice Amended) A plant which confers resistance to pathogenic fungi, comprising a gene encoding an anti-bacterial peptide, with the proviso that the peptide is not atacin, lysozyme, or cecropin.